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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,603	10/17/2001	Robert F. Dvorak	NBD-48/47181-00259	7891

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EXAMINER


BENENSON, BORIS

ART UNIT PAPER NUMBER

2836

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/981,603	Applicant(s) DVORAK ET AL. 	
	Examiner Boris Benenson	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-26, 28-40, 42-50 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 42, 43 and 45-50 is/are allowed.
 6) ☒ Claim(s) 1-3, 5, 6, 10, 16-21, 25, 26, 28-30, 32, 37 and 38 is/are rejected.
 7) ☐ Claim(s) 4, 7-9, 13-15, 22-24, 31, 33-36, 40 and 44 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Actions

1. Examiner acknowledges receiving a response to Office Action dated 6/09/2005. No Claim has been amended.

Claims 1-11, 13-26, 28-40, 42-50 are pending in the Application.

Response to the arguments

2. Applicants argue desirability of combination of U.S. Patent 5,434,509 (Blades) and U.S. Patent 6,242,922 (Daum et al.)

Applicants correctly describe that Blades is extracting a noise by classifying the noise signals by "means for extracting high-frequency noise". Daum et al. indicates "The processing power necessary to provide this function is high and increases linearly with the number of noise sources present as well as about with the square of the frequency range considered due to the Fourier Transform requirements". Therefore Daum et al. teach away from using a method using classification of the noise. The argument is convincing. Rejections based on Blades (5,434,509) in view of Daum et al. (6,242,922) are withdrawn.

Applicants also argue combination of U.S. Patent 6,625,550 (Scott et al.) and U.S. Patent 6,242,922 (Daum et al.), because the method disclosed by Scott et al. distinguishes between normally noisy currents and arcing current utilizing predefined levels of di/dt , broadband noise etc. The combination was made to emphasize the fact that Prior Art teaches integration a

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programmable computing element into one single ASIC. *In re Larson*, 340 F.2d 965, 968.144USPQ 347. 349 (CCPA 1965) affirmed, "that the use of a one piece construction instead of the structure disclosed in [the prior art] would be merely a matter of obvious engineering choice" (MPEP 2144.04 V. B.) Patent 6,242,922 (Daum et al.) indicates that integration is known in the art. The argument is not convincing. Rejection of Claims 1-3,5,10,16-18,20,25, 28-30, 32, and 37 under 35 U.S.C. 103(a) as being unpatentable over Scott et al. (6,625,550) in view of Daum et al. (6,242,922) maintains.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3,5-6,10,16-21,25-26, 28-30, 32, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. (6,625,550) in view of Daum et al. (6,242,922).

Scott et al. disclose an Arc Fault Detection For Aircraft.

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Scott et al. disclose a "system for determining whether arcing is present in an aircraft electrical circuit comprising a sensor for sensing a current in said circuit and developing a corresponding sensor signal, a circuit for determining the presence in the sensor signal of broadband noise, and producing a corresponding output signal, and a controller for processing said sensor signal and said output signal in a predetermined fashion to determine whether an arcing fault is present in said circuit" (Col.6, Lines 23-32). Scott et al. disclose also that "there is provided a controller for determining whether arcing is present in an aircraft electrical circuit in response to input signals, said input signals corresponding to a current in said circuit and to the presence of broadband noise in a predetermined range of frequencies in said circuit, said controller including a plurality of counters and wherein said controller increments said plurality of counters in a predetermined fashion in accordance with said input signals and periodically determines whether an arcing fault is present based at least in part on the state of said plurality of counters" (Col.6, Lines 34-43). "The current samples are converted into current peak, current area, max (di/dt). These values are stored for each half cycle of voltage" (Col.9, Lines 19-21).

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"The system analyzes these signals to determine whether an arcing fault is present, and if so, outputs a trip signal which may be used directly or indirectly to trip a circuit breaker or other circuit interruption device" (Abstract).

Scott et al. disclose "In one embodiment, the components of the arcing fault circuit detector 24 and the current measuring circuit 26 are provided on an application specific integrated circuit (ASIC) 30" (Col.8, Lines 13-16). Daum et al. teach "Apparatus for detecting arcs from a signal provided by a current sensor includes a mixed analog digital application specific integrated circuit (ASIC) employing a standard central processing unit (CPU) with a reduced digital signal processing (DSP) load and programmed to execute a correlation function for arc detection. Further, by enabling use of a standard CPU, fabrication cost of the ASIC can be substantially less than the fabrication cost associated with known arc detection units" (Col.1, Line 63 - Col.2, Line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified system of Scott et al. and integrate all the element into ASIC as it is done in one of the embodiments, because it will decrease a manufacturing cost.

Referring to Claims 5, 20 and 32, Scott et al. disclose use of microprocessor (Fig. 1, Pos.40).

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Referring to Claims 6,21 and 33, Scott et al. disclose use of bandpass filters (Fig. 1, Pos.50) and comparators - signal detectors (50). "The signal output of each frequency band is routed to a comparator (signal detector) 52, where it is compared with a reference voltage level, and, if sufficient, causes an output pulse" (Col. 9, Lines 8-11).

Referring to Claims 19 and 31, Daum et al. teach power supply (Fig.1, Pos. 12) for supplying power to the ASIC components.

Referring to Claims 10-11, 25-26 and 37-38, the system generates "trip_signal". It is inherent that the interrupter latches and requires to be reset for further operations. The use of a buffer (capacitor) in order to accumulate energy and utilize stored energy is routine and should not be claimed as an invention.

Allowable Subject Matter

4. Claims 42-43 and 45-50 are allowed.
5. Claims 4, 7-9, 13-15, 22-24, 31, 33-36, 40 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is an examiner's statement of reasons for allowance:

6. Claims 47-50 are allowable because none of the prior art of record disclose an arc fault circuit interruption system that includes a test signal buffer which acts as a current source for driving a test winding at a center frequency of each of the bandpass filters in combination with the other claim limitations.

Claims 42-43 and 45-46 are dependent on allowable Claims 47, 48 and therefore allowable.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact information

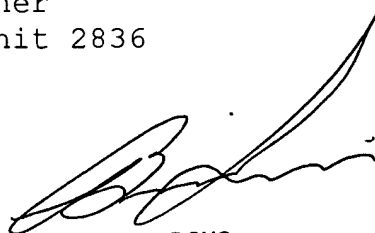
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Benenson whose telephone number is (571) 272-2048. The examiner can normally be reached on M-F (8:20-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2800 ext 36. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Boris Benenson
Examiner
Art Unit 2836

B.B.



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